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Australia – Immigration Developments on Credit Card Surcharge and Integrity PIC

by KPMG, Australia (a KPMG International member firm)

In Australia, new surcharges for the use of credit cards when paying for visa applications and an increased focus on identity fraud prevention by visa applicants are the subjects of recent developments covered in this *Flash International Executive Alert*.

Why This Matters

Despite a slight delay in introducing surcharges for payments made by credit card with respect to visa applications – which provided a brief respite from higher charges that apply to such applications – these surcharges are now being applied, potentially raising visa-related costs slightly for organizations and individuals, should they choose to make payment in this form.

The need to supply accurate and truthful documents in support of visa applications is critical. Failure to comply with the rules could carry serious penalties and repercussions.

Credit Card Surcharge Fees

Australia's Department of Immigration and Border Protection (DIBP) had delayed the introduction of credit card surcharge fees, which was due to commence on 22 March 2014. Previously, DIBP had announced that it would apply a surcharge on all clients paying by credit card for visas and other related services from 22 March 2014. However, the amount of the surcharge was not disclosed. This surcharge was coming on top of higher visa application charges which were introduced last year.¹

The surcharge rates have now been introduced as of 19 April 2014. According to the DIBP Web page², if you pay for your visa application by credit card, the following surcharges will apply:

Visa and MasterCard – 1.08%

American Express and JCB – 1.99%

Diners Club International – 2.91%.

Public Interest Criteria (PIC) 4020 – Integrity PIC

Further expansion of what was previously known as the Fraud Public Interest Criterion (PIC) 4020 – now referenced as the Integrity PIC – took effect on 22 March 2014.³

This recent measure expands on the existing focus on creating penalties for applicants providing bogus documents or information that are false and misleading for certain visas. The recent change now specifically focuses on identity fraud and has a 10-year exclusion period for those who do not meet the criteria. In addition, PIC 4020 criteria have now been extended to several additional visas (Special Program subclass 416 visa; Working Holiday

subclass 417 visa; Work and Holiday subclass 462 visa; and Superyacht Crew subclass 488 visa). The Integrity PIC already applies to a range of visas including the Temporary Work (Skilled) subclass 457 visa, Employer Nomination Scheme subclass 186 visa, and the Regional Sponsored Migration Scheme subclass 187 visa.

Under DIBP's new requirements, applicants (including accompanying family members) must satisfy the Minister as to their identity for these affected visas.

KPMG Note

Visa applicants need to be vigilant and meticulous with respect to the information and documents provided in a visa application so that they are accurate and genuine (including in respect of family members). Importantly, if bogus documents or false or misleading information are provided (either for the current application or in relation to a visa that was held or applied for in the 12 months before the application was made), then all applicants may have their visa applications refused and may also be subject to exclusion periods.

An example of where PIC 4020 could come into consideration is where an applicant has failed to declare a criminal conviction on an existing subclass 457 visa application (even if this has been done by oversight). If the applicant then makes an application for permanent residence under the Employer Nomination Scheme, the mandatory requirement to obtain police clearances will often result in the conviction being subsequently disclosed.

In such cases, even if the conviction is considered relatively minor, the visa application would be in jeopardy of being refused as well as resulting in a three-year exclusion period for the applicant and possibly his or her included family members.

More broadly, employers need to be mindful as to privacy issues that may arise where the employee or his or her family have declarations in relation to sensitive issues such as a criminal records or health conditions, and with respect to how this is best managed as part of the process.

Footnotes:

1 For prior coverage, see the following issues of *Flash International Executive Alert*: [2013-087](#) (6 June 2013) and [2013-015](#) (18 January 2013).

2 See: <http://www.immi.gov.au/Help/Pages/fees-charges/how-to-pay.aspx> .

3 For more information see: <https://www.immi.gov.au/Live/Pages/document-fraud.aspx> and <http://www.immi.gov.au/migrants/family/fraud-pic.htm> .

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